

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA | : | |
| v. | : | CRIMINAL NO. 16-290 |
| MUADHDHIN BEY | : | |

ORDER

AND NOW, this day of , 2019, upon
consideration of the Government's Motion to Dismiss the Indictment, it is hereby

ORDERED

that Indictment No. 16-290, as it relates to the above-captioned defendant, is dismissed with
prejudice.

BY THE COURT:

HONORABLE WENDY BEETLESTONE
Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA :

V. : CRIMINAL NO. 16-290

MUADHDHIN BEY :

GOVERNMENT'S MOTION TO DISMISS INDICTMENT

The United States of America, by and through William M. McSwain, United States Attorney in and for the Eastern District of Pennsylvania, and Jonathan B. Ortiz, Assistant United States Attorney for that District, respectfully moves this Court, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, to dismiss the indictment in the above-captioned matter, and, in support of its motion, states:

1. On July 20, 2016, a grand jury sitting in the Eastern District of Pennsylvania returned an indictment charging the defendant with being a felon in possession of a firearm. Doc. No. 1. The charge against the defendant arose from an incident on March 28, 2016, when Philadelphia Police Officers seized a firearm from the defendant's person.

2. The defendant filed a pretrial motion to suppress the firearm and statements which was the subject of a pretrial evidentiary hearing. On March 6, 2017, this Court denied the defendant's motion to suppress. Doc. No. 43.

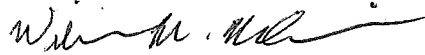
3. On May 3, 2017, the defendant was convicted at trial of being a felon in possession of a firearm. Doc. No. 76. On August 25, 2017, the defendant was sentenced to a term of 46 months of incarceration. Doc. No. 82.

4. The defendant filed a timely notice of appeal of this Court's denial of the motion to suppress. On December 21, 2018, the Third Circuit Court of Appeals reversed this

Court's ruling on the motion to suppress and vacated the defendant's conviction. Doc. No. 88.

5. *WHEREFORE*, the government respectfully requests that this Court dismiss the indictment against the above-named defendant, with prejudice.

Respectfully submitted,



WILLIAM M. McSWAIN
United States Attorney



JONATHAN B. ORTIZ
Assistant United States Attorney

Date: 3/15/19